

IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.3089 OF 2007

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Dated : March 26, 2007

Between:

Rahmathunnisa Begum

Petitioner

AND

The Station House Officer,
Machareddy Police Station,
Nizamabad District and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE D.APPA RAO

TAKEN UP WRIT PETITION NO.3089 OF 2007

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ORAL ORDER: (per THE HON'BLE MR. JUSTICE D.S.R. VARMA)

Heard the learned Government Pleader for Home,

representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a 'letter', dated 05.02.2007, by one Rahmathunnisa Begum, W/o. Abdul Arif Bin Hadi, R/o. H.No.9-12-126/A, ahmadpura Colony, Nizamabad District, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad.

3. The petitioner makes several allegations against the Sub-Inspector of Police, I Town Police Station, Nizamabad, the respondent No.7, and also against one M.A.Nayeemuddin, a constable, the respondent No.8, alleging any amount of harassment by them, forcing her to take divorce from her husband by name Abdul Arifuddin Hadi and also about the registration of a false case against her husband in Crime No.21 of 2007, for the offence punishable under Section 363 of the Indian Penal Code, in II Town Police Station, Nizamabad.

4. Pursuant to the direction of this Court, the respondent No.3-Superintendent of Police, Nizamabad, filed counter-affidavit stating, *inter alia*, that he had conducted a detailed enquiry and gave categorical events of several facts, including the conduct of the petitioner. He specifically pointed out about the changing loyalties of the petitioner very often between her husband and others.

5. It also appears from the counter-affidavit that the petitioner has filed a private complaint against her husband and others, basing on which a case was registered in Crime No.127 of 2004, for the offences under Sections 498-A, 342, 504 and 506 of the Indian Penal Code and Sections 3 and 4 of the Dowry Prohibition Act, which was taken on file as C.C.No.1155 of 2004 and pending on the file of Additional Judicial Magistrate of First Class, Nizamabad.

6. It also further appears from the counter-affidavit that apart from the above, she also filed a private complaint, which

was registered as Crime No.51 of 2005 and 51 of 2005 for the similar offences, a suit O.S.No.191 of 2005 for attachment and M.C.No.9 of 2005, claiming maintenance from her husband.

7. From the above, the conduct of the petitioner is diversified in nature. However, since the complaints are made and cases are registered against different persons, including the husband of the petitioner, and in view of the statement made by the Superintendent of Police, Nizamabad, that the petitioner is living with her husband, we do not find any valid reason to interfere in this matter.

8. Further, in view of the detailed circumstances stated by the Superintendent of Police, Nizamabad –respondent No.3, we do not feel it appropriate to issue any further direction in this matter.

9. However, we make it clear that, depending upon the facts and circumstances, if the respondents are convinced with the request of the petitioner that there is any necessity of police protection, the same may be considered.

10. With this direction, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

JUSTICE D.S.R.VARMA

JUSTICE D.APPA RAO

26TH MARCH 2007
MAS/KRK